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ATTORNEY DOCKET NO. CGNE.099.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Knauf and Kridl

) Examiner: David Fox

Serial No.: 09/232,861

) Art Unit: 1638

Filed: January 15, 1999

) REQUEST FOR CORRECTION OF  
) FILING RECEIPT

Title: METHODS AND COMPOSITIONS FOR  
REGULATED TRANSCRIPTION AND  
EXPRESSION OF HETEROLOGOUS GENES

Application Processing Division - Customer Correction Branch  
Assistant Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. §§1.53(a), (b) and 1.54(b), please issue a corrected filing receipt for this application. A copy of the incorrect receipt, with the corrections noted thereon in red ink, is attached for reference. The corrected filing receipt should read as follows with the corrected text underlined:

Refund Ref: 11/27/2000 MBERME 0000099705 UE

CHECK Refund Totals: \$25.00

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL 74 58 45 67 8 US

Date of Deposit: November 15, 2000

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Francis Guerra  
(Signature)  
Francis Guerra  
(Printed Name)

In the Continuing Data as Claimed by Applicant-

THIS APPLN IS A CON OF 08/812,665 03/07/1997 PAT 5,981,839

WHICH IS A CON OF 08/484,941 06/07/1995 PAT 5,750,385

WHICH IS A CON OF 08/105,852 08/10/1993 PAT 5,753,475

WHICH IS A CIP OF 07/526,123 05/21/1990

WHICH IS A CON OF 07/267/685 11/02/1988 ABN

THIS APPLICATION 09/232,861

IS A CIP OF 07/582,241 09/14/1990 ABN

WHICH IS A CON OF 07/188,361 04/29/1988 ABN

WHICH IS A CIP OF 07/168,190 03/15/1988 ABN

WHICH IS A CIP OF 07/054,369 05/26/1987 PAT 4,943,674

THIS APPLICATION 09/232,861

IS A CIP OF 07/742,834 08/08/1991 PAT 5,420,034

WHICH IS A CIP OF 07/550,804 07/09/1990 ABN

WHICH IS A CIP OF 07/147,781 01/25/1988 ABN

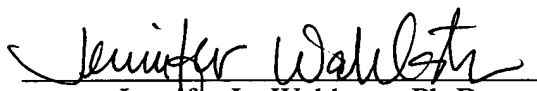
WHICH IS A CIP OF 07/078,538 07/28/1987 ABN

WHICH IS A CIP OF 06/891,529 07/31/1986 ABN

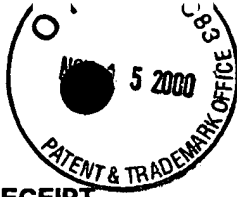
The errors occurred as a result of oversights on the part of the applicant and the USPTO.

For the required fee under under 37 CFR §1.19(h), see Transmittal.

Respectfully submitted,

Dated: 14 November, 2000   
Jennifer L. Wahlsten, Ph.D.  
Reg. No. 46,226

Rae-Venter Law Group, P.C.  
P. O. Box 60039  
Palo Alto, CA 94306  
Telephone: (650) 328-4400  
Facsimile: (650) 328-4477



## CORRECTED FILING RECEIPT



\*OC00000005254769\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231RECEIVED  
1/17/2001  
RECEIVED 10/20/2000

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/232,861	01/15/1999	1638	2610	CGNE.099.03U	40	44	7

JENNIFER WAHLSTEN  
RAE-VENTER LAW GROUP, P.C.  
260 SHERIDAN AVE., SUITE 440  
PALO ALTO, CA 94306

Date Mailed: 07/20/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

VIC C. KNAUF, WINTERS, CA ;  
JEAN C. KRIDL, DAVIS, CA ;

## Continuing Data as Claimed by Applicant

WHICH IS ~~THIS APPLICATION IS A CON OF 08/182,465 03/07/1997 PAT 5,981,839~~  
~~WHICH IS A CIP~~ ~~THIS APPLICATION IS A CON OF 08/484,941 06/07/1995 PAT 5,750,385~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CON OF 08/105,852 08/10/1993 PAT 5,753,475~~  
~~WHICH IS A CIP~~ ~~AND A CON OF 07/526,123 05/21/1990~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CON OF 07/267,685 11/02/1988 ABN~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CON OF 06/692,605 01/17/1985 ABN~~ delete this line  
~~WHICH IS A CIP~~ ~~THIS APPLICATION 09/232,861~~  
~~WHICH IS A CIP~~ ~~IS A CON OF 07/582,241 09/14/1990 ABN~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CON OF 08/812,665 03/07/1997 PAT 5,981,839~~ delete this line  
~~WHICH IS A CIP~~ ~~AND A CON OF 07/188,361 04/29/1988 ABN~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CIP OF 07/168,190 03/15/1988 ABN~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CIP OF 07/054,369 05/26/1987 PAT 4,943,674~~  
~~WHICH IS A CIP~~ ~~AND A CIP OF 07/742,834 08/08/1991 PAT 5,420,034~~  
~~WHICH IS A CIP~~ ~~AND A CIP OF 07/550,804 07/09/1990 ABN~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CIP OF 07/147,781 01/25/1988 ABN~~  
~~WHICH IS A CIP~~ ~~WHICH IS A CIP OF 07/078,538 07/28/1987 ABN~~  
~~WHICH IS A CIP~~ ~~AND SAID 08/812,665 03/07/1997~~ delete this line  
~~WHICH IS A CIP~~ ~~IS A CIP OF 06/891,529 07/31/1986 ABN~~

Add new line:  
THIS APPLICATION 09/232,861

DOCKETED  
7/20/00

## Foreign Applications

If Required, Foreign Filing License Granted 02/09/1999

## FILING RECEIPT

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

BARBARA RAE-VENTER

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/232,861	01/15/99	1649	\$0.00 CGNE.099.03U		40	44	7

CALGENE INC  
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Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

## Applicant(s)

VIC C. KNAUF, WINTERS, CA; JEAN C. KRIDL, DAVIS, CA.

## CONTINUING DATA AS CLAIMED BY APPLICANT-

CON OF 08/812,665 03/07/97 PAT 5,981,339

	THIS APPLN IS A CON OF	08/484,941	06/07/95	PAT 5,750,385
	WHICH IS A CON OF	08/105,852	08/10/93	PAT 5,753,475
CIP	AND A [CON] OF	07/526,123	05/21/90	02
	WHICH IS A CON OF	07/267,865	11/07/88	ABN
	WHICH IS A CON OF	06/692,605	01/17/85	ABN
CIP	AND A [CON] OF	07/582,241	09/14/90	ABN
	WHICH IS A CON OF	07/188,361	04/29/88	ABN
CIP	WHICH IS A [CON] OF	07/168,190	03/15/88	ABN
CIP	WHICH IS A [CON] OF	07/054,369	05/26/87	PAT 4,943,674
CIP	AND A [CON] OF	07/742,834	08/08/91	PAT 5,420,034
CIP	WHICH IS A [CON] OF	07/550,804	07/09/90	ABN
CIP	WHICH IS A [CON] OF	07/147,781	01/25/88	ABN
CIP	WHICH IS A [CON] OF	07/078,538	07/28/87	ABN
CIP	WHICH IS A [CON] OF	06/891,529	07/31/86	ABN

FOREIGN FILING LICENSE GRANTED 02/09/99

TITLE

METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION AND EXPRESSION  
OF HETEROLOGOUS GENES

PRELIMINARY CLASS: 800

OIP  
NOV 15 2000

CGNE 99-2

**METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION  
AND EXPRESSION OF HETEROLOGOUS GENES**

5

This application is a continuation of U.S.S.N. 08/484,941, filed June 7, 1995, which is a continuation of U.S.S.N. 08/105,852, filed 8/10/93, pending; U.S.S.N. 08/105,852 is a continuation in part of 07/526,123, filed 5/21/90, pending, which is a continuation of 07/267,865, filed 11/2/88, abandoned[ which is a continuation of 06/692,605, filed 1/17/85, abandoned]; U.S.S.N. 08/105,852, is also a continuation in part of 07/582,241, filed 9/14/90, abandoned, which is a continuation of 07/188,361, filed 4/29/88, abandoned, which is a continuation in part of 07/168,190, filed 3/15/88, abandoned, which is a continuation in part of 07/054,369, filed 5/26/87, which issued on 7/24/90 as patent number 4,943,674; U.S.S.N. 08/105,852 is also a continuation in part of U.S.S.N. 07/742,834, August 8, 1991, which issued as U.S. Patent No. 5,420,034 issued on 5/30/95, which is a continuation in part of 07/550,804, filed 7/9/90, abandoned, which is a continuation in part of 07/147,781, filed 1/25/88, abandoned, which is a continuation in part of 07/078,538, filed 7/28/87, abandoned, which is a continuation in part of 06/891,529, filed 7/31/86, which is abandoned.

**INTRODUCTION**

**Technical Field**

30

This invention relates to regulated genetic modification of plant material, particularly for tissue and/or developmental specific transcription and expression. Heterologous constructs are provided whereby production of

35

<b>FILING FEE RECEIVED</b> 2610	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<table border="1"><tr><td><input type="checkbox"/> All Fees</td></tr><tr><td><input type="checkbox"/> 1.16 Fees ( Filing )</td></tr><tr><td><input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )</td></tr><tr><td><input type="checkbox"/> 1.18 Fees ( Issue )</td></tr><tr><td><input type="checkbox"/> Other _____</td></tr><tr><td><input type="checkbox"/> Credit</td></tr></table>	<input type="checkbox"/> All Fees	<input type="checkbox"/> 1.16 Fees ( Filing )	<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )	<input type="checkbox"/> 1.18 Fees ( Issue )	<input type="checkbox"/> Other _____	<input type="checkbox"/> Credit
<input type="checkbox"/> All Fees								
<input type="checkbox"/> 1.16 Fees ( Filing )								
<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )								
<input type="checkbox"/> 1.18 Fees ( Issue )								
<input type="checkbox"/> Other _____								
<input type="checkbox"/> Credit								



PATENT

ATTORNEY DOCKET NO. CGNE.099.03US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Knauf and Kridl

Serial No.: 09/232,861

Filed: January 15, 1999

Title: **METHODS AND COMPOSITIONS FOR  
REGULATED TRANSCRIPTION AND  
EXPRESSION OF HETEROLOGOUS  
GENES**

) Examiner: David Fox

)

) Art Unit: 1638

)

) TRANSMITTAL

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NOV 21 2000

TECH CENTER 1600/2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents in the above-identified application.

- ☒ Supplemental Response.
- ☒ Request for Correction of Filing Receipt.
- ☒ Red-sketch corrected Filing Receipt.
- ☒ an unexecuted, corrected Inventor Declaration.

Also enclosed:

- ☒ Return Postcard (postage prepaid).

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL745845678 US

Date of Deposit: November 15, 2000

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231.

(Signature)

(Printed Name)

*Francis Guerra*  
Francis Guerra

The fees have been calculated as shown below:

<u>Claims</u>	<u>Remain after Amend</u>	<u>Highest No. Prev. Paid</u>	<u>Pres. Extra</u>	<u>Small Entity</u>		<u>Large Entity</u>	
				<u>Rate</u>	<u>Fee</u>	<u>Rate</u>	<u>Fee</u>
Total:			20	x \$9	= \$	x \$18	= \$360.00
Indep:			6	x \$39	= \$	x \$78	= \$468.00

If Multiple dependent Claims are used for the first time in this application, add \$130 (small entity) \$260 (large entity).

**Total Additional Claims Fee:**

\$

<u>Extension of Time Fee</u>		<u>Small Entity</u>	<u>Large Entity</u>
<input type="checkbox"/>	One Month	\$ 55	\$ 110
<input type="checkbox"/>	Two Months	\$190	\$ 380
<input type="checkbox"/>	Three Months	\$435	\$ 870
<input type="checkbox"/>	Four Months	\$680	\$1360
<input type="checkbox"/>	Five Months	\$925	\$1850

**Total Other Fees:**

**Request for Correction of Filing Receipt**

**\$25.00**

**TOTAL FEES: \$25.00**

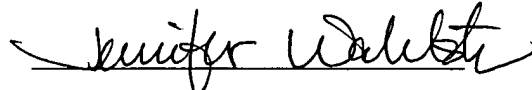
- ☒ A check including the amount of the above-indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 18-0020 in the amount of \$.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ No fee is required.
- ☒ Conditional Petition for Extension of Time: An extension of time is requested in the present and/or the above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.



- [X] Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- [X] Any parent application processing fees under 37 CFR 1.17.
- [X] A **duplicate** copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: 14 November, 2000



Jennifer L. Wahlsten, Ph.D.  
Reg. No. 46,226

Rae-Venter Law Group, P.C.  
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BRV/JLW